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9
10 UNITED STATES BANKRUPTCY COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 In re: Case No. 10-11883

13 Evette F Minor Chapter 13
14 Debtor(s) _____ /

15 REQUEST FOR ENTRY OF DEFAULT ORDER GRANTING MOTION TO VALUE LIEN
16 OF BANK OF NEW YORK / GREE TREE AT \$0 AND AVOID LIEN UPON DISCHARE

17 On October 12, 2010 Debtor filed a motion to value the lien of Bank of New York /
18 Green Tree Servicing (hereinafter Lienholder) against the property commonly known as 1252
19 Poplar St, Santa Rosa, CA 95407, Sonoma County AP #037-161-010-000, which lien was
20 recorded in the Sonoma County Recorder's Office on or about July 15, 2005 as document
21 2005102470 (hereinafter the Lien). Lienholder having failed to file timely opposition to Debtor's
22 motion, Debtor requests that the court grant the attached proposed order by default.

23 Date: July 27, 2011 /s/Evan Livingstone
24 Evan Livingstone, Attorney for Debtor

DECLARATION OF EVAN LIVINGSTONE

I Evan Livingstone, attorney for debtor, declare under penalty of perjury that I have received neither opposition nor request for a hearing on debtor's motion.

Date: July 27, 2011

/s/Evan Livingstone
Evan Livingstone, Attorney for Debtor

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11 NORTHERN DISTRICT OF CALIFORNIA

12 In re: Case No. 10-11883

13 Evette F Minor Chapter 13
14 Debtor(s) _____ /

15 PROPOSED ORDER GRANTING MOTION TO VALUE LIEN OF BANK OF NEW YORK /
16 GREEN TREE SERVICING AS \$0 AND AVOID LIEN UPON DISCHARGE OF DEBTOR

17 On October 12, 2010 Debtor filed a motion to value the lien of Bank of New York /
18 Green Tree Servicing (hereinafter Lienholder) against the property commonly known as 1252
19 Poplar St, Santa Rosa, CA 95407, Sonoma County AP #037-161-010-000, which lien was
recorded in the Sonoma County Recorder's Office on or about July 15, 2005 as document
2005102470 (hereinafter the Lien).

21 The court finds that notice of the motion upon Lienholder was proper. Lienholder having
failed to file timely opposition to Debtor's motion, the court hereby orders as follows.

22 (1) For purposes of Debtor's chapter 13 plan only, the Lien of Bank of New York / Green
23 Tree Servicing is valued at zero, does not have a secured claim, and the Lien may not be
24 enforced, pursuant to 11 U.S.C. §§ 506, 1322 (b)(2) and 1327.

(2) This order shall become part of Debtor's confirmed chapter 13 plan.

(3) Upon entry of a discharge in Debtor's chapter 13 case, the Lien shall be voided for all purposes, and upon application by Debtor, the court will enter an appropriate form of judgment voiding the Lien.

(4) If Debtor's chapter 13 case is dismissed or converted to one under another chapter before Debtor obtains a discharge, this order shall cease to be effective and the Lien shall be retained to the extent recognized by applicable non-bankruptcy law, and upon application by the lienholder, the court will enter an appropriate form of order restoring the Lien.

(5) Except as provided by separate, subsequent order of this court, the Lien may not be enforced so long as this order remains in effect.

** END OF ORDER **

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15 CERTIFICATE OF SERVICE

16 I hereby certify that on July 27, 2011, pursuant to BR Local Rule 9014-1(b)(4), a copy of
17 above REQUEST FOR ENTRY OF DEFAULT ORDER GRANTING MOTION TO VALUE
18 LIEN OF BANK OF NEW YORK / GREE TREE AT \$0 AND AVOID LIEN UPON
19 DISCHARGE as well as a copy of Debtor(s) PROPOSED ORDER ON MOTION TO VALUE
20 LIEN OF SECURED CREDITOR AS \$0 AND AVOID LIEN ON DISCHARGE, was served, to
the United States Trustee and the Chapter 13 Trustee, electronically and to the creditor listed
below by first-class mail.

21 Keith Anderson, President
22 Green Tree Servicing LLC
23 7360 S. Kyrene Rd. Recovery Dept. T-120
24 Tempe, AZ 85283

Date: July 27, 2011 /s/Evan Livingstone
Evan Livingstone